

**Proposed Substitute  
Bill No. 6888**

January Session, 2023

LCO No. 6535

**AN ACT CONCERNING JUVENILE JUSTICE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Section 46b-121s of the general statutes is repealed and the  
2       following is substituted in lieu thereof (*Effective July 1, 2023*):

3       (a) There shall be a community-based diversion system developed  
4       pursuant to subsection (k) of section 46b-121n, as amended by this act.

5       (b) In lieu of arresting a child for a violation of section 53a-110a, 53a-  
6       125b, 53a-181a or 53a-182, law enforcement agencies shall refer such  
7       child to a juvenile review board in accordance with such community-  
8       based diversion system. The juvenile review board shall require the  
9       child to receive prevention, intervention and treatment services  
10      provided by a youth service bureau or community-based service  
11      providers. If such child does not successfully fulfill the requirements  
12      imposed by the youth service bureau or community-based service  
13      provider, the juvenile review board may refer the child to the court for  
14      delinquency proceedings.

15      Sec. 2. (NEW) (*Effective from passage*) (a) An implementation team  
16      shall develop a plan for mandatory prearrest diversion of low-risk  
17      children. The implementation team shall include (1) the Commissioners  
18      of Children and Families, Education and Correction, or their designees,  
19      (2) the executive director of the Court Support Services Division of the  
20      Judicial Branch, or the executive director's designee, and (3)  
21      representatives of local and regional boards of education, appointed by

22 the chairpersons of the Juvenile Justice and Policy Committee,  
23 established pursuant to section 46b-121n of the general statutes, as  
24 amended by this act. The implementation team shall consider  
25 stakeholder input, including from children, families and law  
26 enforcement officials in the development of such plan.

27 (b) Not later than July 1, 2024, the implementation team shall develop  
28 a plan for automatic prearrest diversion of children to the community-  
29 based diversion system or other community-based agencies in lieu of  
30 arrest for first or second offenses, such as breach of peace in the second  
31 degree under section 53a-181 of the general statutes and larceny in the  
32 fifth degree under section 53a-125a of the general statutes. The  
33 implementation team shall consider and include data when developing  
34 such plan concerning prearrest diversionary measures implemented  
35 pursuant to section 46b-121s of the general statutes, as amended by this  
36 act. Additionally, the plan shall consider: (1) The capacity of youth  
37 service bureaus and other local agencies who will provide services to  
38 children diverted under the plan; (2) accountability mechanisms to  
39 measure success of services provided; (3) processes for victim input and  
40 involvement; (4) data collection for the purpose of tracking referrals of  
41 diverted children to youth service bureaus; (5) communication and  
42 outreach strategies to stakeholders for the purpose of accessing local  
43 services; (6) dates for full implementation of the plan; and (7) any other  
44 considerations the committee finds necessary for a successful  
45 implementation of the plan.

46 (c) Not later than July 1, 2024, the implementation team shall submit  
47 the plan for automatic prearrest diversion of children and report on its  
48 findings and recommendations pursuant to subsection (b) of this  
49 section, to the Juvenile Justice Policy and Oversight Committee. The  
50 implementation team shall terminate on the date that it submits such  
51 report or January 1, 2025, whichever is later.

52 Sec. 3. Section 46b-121n of the general statutes is repealed and the  
53 following is substituted in lieu thereof (*Effective from passage*):

54 (a) There is established a Juvenile Justice Policy and Oversight  
55 Committee. The committee shall evaluate policies related to the juvenile  
56 justice system and the expansion of juvenile jurisdiction to include  
57 persons sixteen and seventeen years of age.

58 (b) The committee shall consist of the following members:

59 (1) Two members of the General Assembly, one of whom shall be  
60 appointed by the speaker of the House of Representatives, and one of  
61 whom shall be appointed by the president pro tempore of the Senate;

62 (2) The chairpersons and ranking members of the joint standing  
63 committees of the General Assembly having cognizance of matters  
64 relating to the judiciary, children, human services and appropriations,  
65 or their designees;

66 (3) The Chief Court Administrator, or the Chief Court  
67 Administrator's designee;

68 (4) A judge of the superior court for juvenile matters, appointed by  
69 the Chief Justice;

70 (5) The executive director of the Court Support Services Division of  
71 the Judicial Department, or the executive director's designee;

72 (6) The executive director of the Superior Court Operations Division,  
73 or the executive director's designee;

74 (7) The Chief Public Defender, or the Chief Public Defender's  
75 designee;

76 (8) The Chief State's Attorney, or the Chief State's Attorney's  
77 designee;

78 (9) The Commissioner of Children and Families, or the  
79 commissioner's designee;

80 (10) The Commissioner of Correction, or the commissioner's

81 designee;

82 (11) The Commissioner of Education, or the commissioner's designee;

83 (12) The Commissioner of Mental Health and Addiction Services, or  
84 the commissioner's designee;

85 (13) The Labor Commissioner, or the commissioner's designee;

86 (14) The Commissioner of Social Services, or the commissioner's  
87 designee;

88 (15) The Commissioner of Public Health, or the commissioner's  
89 designee;

90 (16) The president of the Connecticut Police Chiefs Association, or the  
91 president's designee;

92 (17) The chief of police of a municipality with a population in excess  
93 of one hundred thousand, appointed by the president of the Connecticut  
94 Police Chiefs Association;

95 (18) Two child or youth advocates, one of whom shall be appointed  
96 by one chairperson of the Juvenile Justice Policy and Oversight  
97 Committee, and one of whom shall be appointed by the other  
98 chairperson of the Juvenile Justice Policy and Oversight Committee;

99 (19) Two parents or parent advocates, at least one of whom is the  
100 parent of a child who has been involved with the juvenile justice system,  
101 one of whom shall be appointed by the minority leader of the House of  
102 Representatives, and one of whom shall be appointed by the minority  
103 leader of the Senate;

104 (20) The Victim Advocate, or the Victim Advocate's designee;

105 (21) The Child Advocate, or the Child Advocate's designee; [and]

106 (22) The Secretary of the Office of Policy and Management, or the

107 secretary's designee;

108 (23) Two children, youths or young adults under twenty-six years of  
109 age with lived experience in the juvenile justice system, nominated by  
110 the community expertise subcommittee, one of whom shall be  
111 appointed by each chairperson of this committee; and

112 (24) One community member who may be a family member of a child  
113 who has been involved with the juvenile justice system or a credible  
114 messenger with lived experience in the juvenile justice system and who  
115 works with youth in the juvenile justice system, nominated by the  
116 community expertise subcommittee and appointed chairpersons of this  
117 committee.

118 (c) Any vacancy shall be filled by the appointing authority.

119 (d) The Secretary of the Office of Policy and Management, or the  
120 secretary's designee, and a member of the General Assembly selected  
121 jointly by the speaker of the House of Representatives and the president  
122 pro tempore of the Senate from among the members serving pursuant  
123 to subdivision (1) or (2) of subsection (b) of this section shall be  
124 cochairpersons of the committee. Such cochairpersons shall schedule  
125 the first meeting of the committee, which shall be held not later than  
126 sixty days after June 13, 2014.

127 (e) Members of the committee shall serve without compensation,  
128 except for necessary expenses incurred in the performance of their  
129 duties.

130 (f) Not later than January 1, 2015, the committee shall report, in  
131 accordance with section 11-4a, to the joint standing committees of the  
132 General Assembly having cognizance of matters relating to  
133 appropriations, the judiciary, human services and children, and the  
134 Secretary of the Office of Policy and Management, regarding the  
135 following:

136 (1) Any statutory changes concerning the juvenile justice system that

137 the committee recommends to (A) improve public safety; (B) promote  
138 the best interests of children and youths who are under the supervision,  
139 care or custody of the Commissioner of Children and Families or the  
140 Court Support Services Division of the Judicial Department; (C)  
141 improve transparency and accountability with respect to state-funded  
142 services for children and youths in the juvenile justice system with an  
143 emphasis on goals identified by the committee for community-based  
144 programs and facility-based interventions; and (D) promote the efficient  
145 sharing of information between the Department of Children and  
146 Families and the Judicial Department to ensure the regular collection  
147 and reporting of recidivism data and promote public welfare and public  
148 safety outcomes related to the juvenile justice system;

149 (2) A definition of "recidivism" that the committee recommends to be  
150 used by state agencies with responsibilities with respect to the juvenile  
151 justice system, and recommendations to reduce recidivism for children  
152 and youths in the juvenile justice system;

153 (3) Short-term goals to be met within six months, medium-term goals  
154 to be met within twelve months and long-term goals to be met within  
155 eighteen months, for the Juvenile Justice Policy and Oversight  
156 Committee and state agencies with responsibilities with respect to the  
157 juvenile justice system to meet, after considering existing relevant  
158 reports related to the juvenile justice system and any related state  
159 strategic plan;

160 (4) The impact of legislation that expanded the jurisdiction of the  
161 juvenile court to include persons sixteen and seventeen years of age, as  
162 measured by the following:

163 (A) Any change in the average age of children and youths involved  
164 in the juvenile justice system;

165 (B) The types of services used by designated age groups and the  
166 outcomes of those services;

167 (C) The types of delinquent acts or criminal offenses that children and  
168 youths have been charged with since the enactment and  
169 implementation of such legislation; and

170 (D) The gaps in services identified by the committee with respect to  
171 children and youths involved in the juvenile justice system, including,  
172 but not limited to, children and youths who have attained the age of  
173 eighteen after being involved in the juvenile justice system, and  
174 recommendations to address such gaps in services; and

175 (5) Strengths and barriers identified by the committee that support or  
176 impede the educational needs of children and youths in the juvenile  
177 justice system, with specific recommendations for reforms.

178 (g) Not later than July 1, 2015, the committee shall report, in  
179 accordance with section 11-4a, to the joint standing committees of the  
180 General Assembly having cognizance of matters relating to  
181 appropriations, the judiciary, human services and children, and the  
182 Secretary of the Office of Policy and Management, regarding the  
183 following:

184 (1) The quality and accessibility of diversionary programs available  
185 to children and youths in this state, including juvenile review boards  
186 and services for a child or youth who is a member of a family with  
187 service needs;

188 (2) An assessment of the system of community-based services for  
189 children and youths who are under the supervision, care or custody of  
190 the Commissioner of Children and Families or the Court Support  
191 Services Division of the Judicial Department;

192 (3) An assessment of the congregate care settings that are operated  
193 privately or by the state and have housed children and youths involved  
194 in the juvenile justice system in the past twelve months;

195 (4) An examination of how the state Department of Education and  
196 local boards of education, the Department of Children and Families, the

197 Department of Mental Health and Addiction Services, the Court  
198 Support Services Division of the Judicial Department, and other  
199 appropriate agencies can work collaboratively through school-based  
200 efforts and other processes to reduce the number of children and youths  
201 who enter the juvenile justice system;

202 (5) An examination of practices and procedures that result in  
203 disproportionate minority contact, as defined in section 4-68y, within  
204 the juvenile justice system;

205 (6) A plan to provide that all facilities and programs that are part of  
206 the juvenile justice system and are operated privately or by the state  
207 provide results-based accountability;

208 (7) An assessment of the number of children and youths who, after  
209 being under the supervision of the Department of Children and  
210 Families, are convicted as delinquent; and

211 (8) An assessment of the overlap between the juvenile justice system  
212 and the mental health care system for children.

213 (h) The committee shall complete its duties under this section after  
214 consultation with one or more organizations that focus on relevant  
215 issues regarding children and youths, such as the University of New  
216 Haven and any of the university's institutes. The committee may accept  
217 administrative support and technical and research assistance from any  
218 such organization. The committee shall work in collaboration with any  
219 results first initiative implemented pursuant to section 2-111 or any  
220 public or special act.

221 (i) The committee shall establish a time frame for review and  
222 reporting regarding the responsibilities outlined in subdivision (5) of  
223 subsection (f) of this section, and subdivisions (1) to (7), inclusive, of  
224 subsection (g) of this section. Each report submitted by the committee  
225 shall include specific recommendations to improve outcomes and a  
226 timeline by which specific tasks or outcomes must be achieved.



227 (j) The committee shall implement a strategic plan that integrates the  
228 short-term, medium-term and long-term goals identified pursuant to  
229 subdivision (3) of subsection (f) of this section. As part of the  
230 implementation of such plan, the committee shall collaborate with any  
231 state agency with responsibilities with respect to the juvenile justice  
232 system, including, but not limited to, the Departments of Education,  
233 Mental Health and Addiction Services, Correction and Children and  
234 Families and the Labor Department and Judicial Department, and  
235 municipal police departments. Not later than January 1, 2016, the  
236 committee shall report such plan, in accordance with section 11-4a, to  
237 the joint standing committees of the General Assembly having  
238 cognizance of matters relating to appropriations, the judiciary, human  
239 services and children, and the Secretary of the Office of Policy and  
240 Management, regarding progress toward the full implementation of  
241 such plan and any recommendations concerning the implementation of  
242 such identified goals by any state agency with responsibilities with  
243 respect to the juvenile justice system or municipal police departments.

244 (k) Not later than January 1, 2017, the committee shall submit a  
245 report, in accordance with section 11-4a, to the joint standing  
246 committees of the General Assembly having cognizance of matters  
247 relating to appropriations, the judiciary, human services and children  
248 and the Secretary of the Office of Policy and Management, regarding a  
249 plan that includes cost options for the development of a community-  
250 based diversion system. Such plan shall include recommendations to  
251 address issues concerning mental health and juvenile justice. The plan  
252 shall include recommendations regarding the following:

253 (1) Diversion of children who commit crimes, excluding serious  
254 juvenile offenses, from the juvenile justice system;

255 (2) Identification of services that are evidence-based, trauma-  
256 informed and culturally and linguistically appropriate;

257 (3) Expansion of the capacity of juvenile review boards to accept  
258 referrals from municipal police departments and schools and

259 implement restorative practices;

260 (4) Expansion of the provision of prevention, intervention and  
261 treatment services by youth service bureaus;

262 (5) Expansion of access to in-home and community-based services;

263 (6) Identification and expansion of services needed to support  
264 children who are truant or exhibiting behaviors defiant of school rules  
265 and enhance collaboration between school districts and community  
266 providers in order to best serve such children;

267 (7) Expansion of the use of memoranda of understanding pursuant to  
268 section 10-233m between local law enforcement agencies and local and  
269 regional boards of education;

270 (8) Expansion of the use of memoranda of understanding between  
271 local and regional boards of education and community providers for  
272 provision of community-based services;

273 (9) Recommendations to ensure that children in the juvenile justice  
274 system have access to a full range of community-based behavioral  
275 health services;

276 (10) Reinvestment of cost savings associated with reduced  
277 incarceration rates for children and increased accessibility to  
278 community-based behavioral health services;

279 (11) Reimbursement policies that incentivize providers to deliver  
280 evidence-based practices to children in the juvenile justice system;

281 (12) Recommendations to promote the use of common behavioral  
282 health screening tools in schools and communities;

283 (13) Recommendations to ensure that secure facilities operated by the  
284 Department of Children and Families or the Court Support Services  
285 Division of the Judicial Department and private service providers  
286 contracting with said department or division to screen children in such

287 facilities for behavioral health issues; and

288 (14) Expansion of service capacities informed by an examination of  
289 grant funds and federal Medicaid reimbursement rates.

290 (l) The committee shall establish a data working group to develop a  
291 plan for a data integration process to link data related to children across  
292 executive branch agencies, through the Office of Policy and  
293 Management's integrated data system, and the Judicial Department  
294 through the Court Support Services Division, for purposes of evaluation  
295 and assessment of programs, services and outcomes in the juvenile  
296 justice system. Membership of the working group shall include, but not  
297 be limited to, the Commissioners of Children and Families, Correction,  
298 Education and Mental Health and Addiction Services, or their  
299 designees; the Chief State's Attorney, or the Chief State's Attorney's  
300 designee; the Chief Public Defender, or the Chief Public Defender's  
301 designee; the Secretary of the Office of Policy and Management, or the  
302 secretary's designee; and the Chief Court Administrator of the Judicial  
303 Branch, or the Chief Court Administrator's designee. Such working  
304 group shall include persons with expertise in data development and  
305 research design. The plan shall include cost options and provisions to:

306 (1) Access relevant data on juvenile justice populations;

307 (2) Coordinate the handling of data and research requests;

308 (3) Link the data maintained by executive branch agencies and the  
309 Judicial Department for the purposes of facilitating the sharing and  
310 analysis of data;

311 (4) Establish provisions for protecting confidential information and  
312 enforcing state and federal confidentiality protections and ensure  
313 compliance with related state and federal laws and regulations;

314 (5) Develop specific recommendations for the committee on the use  
315 of limited releases of client specific data sharing across systems,  
316 including with the Office of Policy and Management, the Division of

317 Criminal Justice, the Departments of Children and Families, Education  
318 and Mental Health and Addiction Services, the Judicial Department and  
319 other agencies; and

320 (6) Develop a standard template for memoranda of understanding for  
321 data-sharing between executive branch agencies, the Judicial  
322 Department, and when necessary, researchers outside of state  
323 government.

324 (m) (1) The committee shall periodically request, receive and review  
325 information regarding conditions of confinement, including services  
326 available, for persons under eighteen years of age detained at the John  
327 R. Manson Youth Institution, Cheshire.

328 (2) Not later than October 1, 2018, the committee shall submit a  
329 report, in accordance with section 11-4a, to the joint standing  
330 committees of the General Assembly having cognizance of matters  
331 relating to appropriations, the judiciary, human services and children  
332 and the Secretary of the Office of Policy and Management on current  
333 conditions of confinement, including services available, for persons  
334 under eighteen years of age who are detained or incarcerated in  
335 correctional facilities, juvenile secure facilities and other out-of-home  
336 placements in the juvenile and criminal justice systems. The report shall  
337 include, but need not be limited to, a description of any gaps in services  
338 and the continued availability and utilization of mental health,  
339 education, rehabilitative and family engagement services.

340 (n) Not later than January 1, 2020, the committee shall submit a  
341 report, in accordance with section 11-4a, to the joint standing  
342 committees of the General Assembly having cognizance of matters  
343 relating to appropriations, the judiciary, human services and children  
344 and the Secretary of the Office of Policy and Management regarding a  
345 juvenile justice reinvestment plan. The report shall include a study and  
346 make recommendations for the reinvestment of savings realized from  
347 the decreased use of incarceration and congregate care towards strategic  
348 investments in home-based, school-based and community-based

349 behavioral health services and supports for children diverted from, or  
350 involved with, the juvenile justice system.

351 (o) Not later than January 1, 2019, and annually thereafter, the  
352 Department of Correction and the Court Support Services Division of  
353 the Judicial Branch shall report to the committee on compliance with the  
354 provisions of section 46b-126a. Such reports shall present indicia of  
355 compliance in both state facilities and those facilities managed by a  
356 private provider under contract with the state, and shall include data on  
357 all persons under eighteen years of age who have been removed or  
358 excluded from educational settings as a result of alleged behavior  
359 occurring in those educational settings.

360 (p) Not later than January 1, 2019, and annually thereafter, all state  
361 agencies that detain or otherwise hold in custody a person under  
362 eighteen years of age involved with the juvenile justice or criminal  
363 justice system, or that contract for the housing of any person involved  
364 with the juvenile justice or criminal justice system under eighteen years  
365 of age, shall report to the committee on compliance with the provisions  
366 of section 46b-121p. Such reports shall include indicia of compliance in  
367 both direct-run and contract facilities, and shall include data on all  
368 rearrests and uses of confinements and restraints for youth in justice  
369 system custody, as defined in section 10-253.

370 (q) [Not later than July 1, 2018, the] The committee shall convene [a]  
371 an education subcommittee to fulfill tasks, as directed by the committee,  
372 consult in the development of a plan pursuant to section 5 of this act,  
373 and develop a detailed plan concerning the overall coordination,  
374 oversight, supervision, and direction of all vocational and academic  
375 education services and programs for children in justice system custody,  
376 and the provision of education-related transitional support services for  
377 children returning to the community from justice system custody. The  
378 subcommittee shall consist of:

379 (1) One person designated by the Commissioner of Education;

380 (2) One person designated by the executive director of the Court  
381 Support Services Division of the Judicial Branch;

382 (3) One person designated by the Bridgeport School District;

383 (4) One person designated by the Hartford School District;

384 (5) One person designated by the Commissioner of Correction;

385 (6) One person who is an expert in state budgeting and who can assist  
386 the subcommittee in obtaining data on relevant expenditures and  
387 available resources, designated by the Secretary of the Office of Policy  
388 and Management;

389 (7) Three persons, who are experts with significant career experience  
390 in providing and coordinating education in justice-system settings and  
391 who are not employees of the state of Connecticut, designated by the  
392 chairpersons of the Juvenile Justice Oversight and Planning Committee;  
393 and

394 (8) Two persons representing the interests of students and families,  
395 one designated by the executive director of an organization in this state  
396 with the mission of stopping the criminalization of this state's children  
397 and one designated by the executive director of an organization in this  
398 state that advocates for legal rights for the most vulnerable children in  
399 this state.

400 (A) The plan developed pursuant to this subsection shall include, but  
401 need not be limited to:

402 (i) Identification of a single state agency and designation of a program  
403 manager within that agency who will be responsible for planning,  
404 coordination, oversight, supervision, quality control, legal compliance  
405 and allocation of relevant federal and state funds for children in justice  
406 system custody;

407 (ii) A detailed description of how educational services will be

408 provided to children in justice system custody and how education-  
409 related supports will be provided to children during transition out of  
410 justice system custody, either directly by the single state agency  
411 identified by the plan pursuant to clause (i) of this subparagraph or  
412 through a state-wide contract with a single nonprofit provider;

413 (iii) An analysis of resources expended for educating children in  
414 justice system custody and for supporting educational success during  
415 transitions out of justice system custody, and recommendations for  
416 consolidating and reallocating resources towards the oversight,  
417 accountability, services and supports provided for in the plan pursuant  
418 to this subsection;

419 (iv) Provisions for ensuring that a range of pathways to educational  
420 and economic opportunity are available for children in justice system  
421 custody, including at a minimum a traditional high school diploma  
422 program, an accelerated credit recovery program, vocational training  
423 programs and access to post-secondary educational options;

424 (v) Specifications for a state-wide accountability and quality control  
425 system for schools that serve children in justice system custody. The  
426 accountability and quality control system shall include, but need not be  
427 limited to:

428 (I) A specialized school profile and performance report, to be  
429 produced annually for each school that serves children in justice system  
430 custody. The profiles and performance reports shall be consistent with  
431 other accountability systems required by law and shall include criteria  
432 and metrics tailored to measuring the quality of schools that serve  
433 children in justice system custody. Such metrics shall include, but need  
434 not be limited to: Student growth in reading and math; credit  
435 accumulation; modified graduation rates and high school equivalent  
436 passage rates; school attendance, defined as the percentage of children  
437 who are actually physically present in classrooms for school and  
438 educational programs; the percentage of students pursuing a high  
439 school diploma, an industry-based certification, a recognized high

440 school diploma equivalent, credits for advanced courses and post-  
441 secondary education programs; performance in educating children with  
442 exceptionalities, including identification of special education needs, the  
443 development of best-practices for individualized education programs  
444 and the provision of services and supports mandated by individualized  
445 education programs; student reenrollment in school or other  
446 educational or vocational training programs after leaving justice system  
447 custody; student success in post-release high school, post-secondary  
448 education, or job-training programs; and compliance with the protocols  
449 for support of educational transitions delineated in clause (vi) of this  
450 subparagraph;

451 (II) Identifying achievement benchmarks for each measurement of  
452 school quality;

453 (III) Written standards for educational quality for schools that serve  
454 children in custody;

455 (IV) A program for quality control and evaluation of schools serving  
456 children in custody. The program shall include, but need not be limited  
457 to, in-person observation and monitoring of each school serving  
458 children in justice system custody. The monitoring shall occur at least  
459 annually, and shall be conducted by experts in special education and  
460 education in justice-system settings;

461 (V) Provisions for ensuring that each school serving children in  
462 justice system custody seeks and obtains external accreditation by a  
463 recognized accrediting agency; and

464 (VI) A set of supports, interventions and remedies that shall be  
465 implemented when a school serving children in justice system custody  
466 falls consistently or significantly short of quality benchmarks;

467 (vi) Provisions for ensuring that the state-wide education system for  
468 children in justice system custody includes:

469 (I) The engagement of one or more curriculum development



470 specialists to support learning in schools serving children in justice  
471 system custody and to develop a flexible, high-interest, modular  
472 curriculum that is aligned with state standards and adapted to the  
473 context of educating children in justice system custody;

474 (II) The engagement of one or more professional development and  
475 teacher training specialists to support teachers in schools that serve  
476 children in justice system custody; and

477 (III) The engagement of professional reentry coordinators to support  
478 educational success in children returning to the community from justice  
479 system custody;

480 (vii) A protocol for educational support of children transitioning into,  
481 and out of, justice system custody. The protocol shall include, but need  
482 not be limited to:

483 (I) Team-based reentry planning for every child in justice system  
484 custody;

485 (II) Clear and ambitious timelines for transfer of educational records  
486 at intake and release from justice system custody; and

487 (III) Timelines for reenrollment and credit transfer;

488 (viii) Recommendations for any legislation that may be necessary or  
489 appropriate to implement the provisions of the plan developed  
490 pursuant to this subsection; and

491 (ix) A timeline for implementation of the plan developed pursuant to  
492 this subsection.

493 (B) The plan developed pursuant to this subsection shall be submitted  
494 on or before January 1, 2020, to the joint standing committee of the  
495 General Assembly having cognizance of matters relating to education,  
496 in accordance with the provisions of section 11-4a.

497 (C) For purposes of this subsection: "Justice system custody" means

498 justice system custody, as defined in section 10-253; "school" means any  
499 program or institution, or any project or unit thereof, that provides any  
500 academic or vocational education programming for any children in  
501 justice system custody; and "child" means child, as defined in section 10-  
502 253.

503 (r) The committee shall review methods other states employ to (1)  
504 transfer juvenile cases to the regular criminal docket, and (2) detain  
505 persons fifteen, sixteen and seventeen years of age whose cases are  
506 transferred to the regular criminal docket. Such review shall consider  
507 (A) the transfer of juvenile cases to the regular criminal docket and  
508 outcomes associated with such transfers, including the impact on public  
509 safety and the effectiveness in changing the behavior of juveniles, and  
510 (B) preadjudication and postadjudication detention and include an  
511 examination of organizational and programmatic alternatives. The  
512 committee shall, in accordance with the provisions of section 11-4a, not  
513 later than January 1, 2020, report such review including a plan for  
514 implementation not later than July 1, 2021, of any recommended  
515 changes, including cost options where appropriate to the committee of  
516 the General Assembly having cognizance of matters relating to the  
517 judiciary.

518 (s) The committee shall appoint persons to an incarceration  
519 subcommittee for purposes that include developing plans pursuant to  
520 sections 4 and 5 of this act, and other tasks, as directed by the committee.

521 (t) The committee shall appoint persons to a community expertise  
522 subcommittee for purposes that include developing a plan pursuant to  
523 section 5 of this act, and other tasks, as directed by the committee.

524 Sec. 4. (*Effective from passage*) (a) Not later than July 1, 2023, the  
525 Department of Correction, in consultation with the incarceration  
526 subcommittee, established pursuant to section 46b-121n of the general  
527 statutes, as amended by this act, shall develop and submit the  
528 commissary implementation plan described in subsection (b) of this  
529 section, to the Juvenile Justice Policy and Oversight Committee,

530 established pursuant to said section 46b-121n.

531 (b) The plan developed in accordance with this section shall provide  
532 for the following in relation to youths in Department of Correction  
533 facilities: (1) An integrated positive behavior motivation system to  
534 engage and reinforce positive youth behaviors and expectations that can  
535 be used as payment for commissary goods in place of a monetary  
536 system; (2) revised commissary policies and procedures to include the  
537 development and implementation of positive behavior motivation  
538 policies and procedures; (3) increased incentives to promote good health  
539 and recognize a diverse range of ethnic groups, races, sexes and cultural  
540 backgrounds; (4) (A) identification of youth within the institution that  
541 do not have equitable access to commissary, including those who are  
542 indigent, without family supports or with disabilities that contribute to  
543 their lack of access to commissary, and (B) strategies to implement  
544 equitable access to commissary; (5) provision of menstrual products in  
545 a manner pursuant to sections 18-69e and 18-99 of the general statutes;  
546 (6) transition of saved commissary allocations, including how associated  
547 saved funds can be transitioned and accessed when a youth is  
548 transferred to an adult facility; (7) ongoing training and assistance, such  
549 as those provided through the Capitol Region Education Council's  
550 Positive Behavioral Intervention and Supports; (8) continuous quality  
551 improvement system for ongoing implementation of the plan pursuant  
552 to this subsection; and (9) biannual surveys or focus groups to obtain  
553 feedback from youth in Department of Correction facilities on ways to  
554 improve its system and concerning the implementation of such plan.

555 (c) The Department of Correction shall immediately implement  
556 procedures for more equitable commissary options for youth described  
557 in subdivision (4) of subsection (b) of this section and shall fully  
558 implement the plan not later than November 1, 2023.

559 Sec. 5. (*Effective from passage*) (a) Not later than November 1, 2023, the  
560 executive director of the Court Support Services Division of the Judicial  
561 Branch, or the executive director's designee, and the Commissioners of

562 Children and Families, Education and Correction, or their designees,  
563 shall, in consultation with the incarceration, community expertise and  
564 education subcommittees of the Juvenile Justice Policy and Oversight  
565 Committee, established pursuant to section 46b-121n of the general  
566 statutes, as amended by this act, develop a reentry success plan for  
567 youth released from the Department of Correction and facilities and  
568 programs under the jurisdiction of the Judicial Department.

569 (b) (1) Such plan shall be for the purpose of successfully reintegrating  
570 youth into their communities. In the development of such plan, the  
571 executive director of the Court Support Services Division of the Judicial  
572 Branch, or the executive director's designee, and the Commissioners of  
573 Children and Families, Education and Correction, or their designees, in  
574 consultation with the incarceration, community expertise and education  
575 subcommittees of the Juvenile Justice Policy and Oversight Committee,  
576 shall consider all aspects deemed necessary for successful  
577 implementation of such plan, including, but not limited to: (A) Reentry  
578 models and best practices around the country, including reentry hubs,  
579 community-based enhanced reentry wraparound services and  
580 transitional housing; and (B) expansion of community reentry  
581 roundtables and welcome centers that focus on youth.

582 (2) Such plan shall incorporate restorative and transformative justice  
583 principles, including, but not limited to, the (A) provision of  
584 individualized academic support and the role of school districts in  
585 ensuring the provision of academic, vocational and transition support  
586 services; (B) connection of youth to vocational and workforce  
587 opportunities; (C) connection of youth to developmentally appropriate  
588 housing; (D) delivery of trauma-informed mental health and substance  
589 use treatments; (E) development of restorative justice reentry circles; (F)  
590 use of credible messengers as mentors or transition support providers;  
591 and (G) role of reentry coordinators.

592 (3) Such plan shall include (A) a proposed quality assurance  
593 framework, including the collection of appropriate data, promulgation

594 of a public dashboard and monitoring framework to ensure the  
595 successful discharge and reentry of incarcerated youth, and (B)  
596 information concerning federal and state funding sources in support of  
597 the comprehensive reentry model and identification of priorities and  
598 appropriate timelines for implementation.

599 (c) Not later than January 1, 2024, the executive director of the Court  
600 Support Services Division of the Judicial Branch, or the executive  
601 director's designee, and the Commissioners of Children and Families,  
602 Education and Correction, or their designees, shall report the plan  
603 developed pursuant to this section to the Juvenile Justice Policy and  
604 Oversight Committee.

605 Sec. 6. Section 13 of public act 21-174 is repealed and the following is  
606 substituted in lieu thereof (*Effective from passage*):

607 (a) The Judicial Branch shall develop an implementation plan to  
608 securely house in the custody of the Judicial Branch any person under  
609 eighteen years of age who is arrested and detained prior to sentencing  
610 or disposition on or after January 1, 2023. The plan shall include cost  
611 estimates and recommendations for legislation as may be necessary or  
612 appropriate for implementation of such plan.

613 (b) Not later than January 1, 2022, the Judicial Branch shall submit the  
614 implementation plan developed pursuant to subsection (a) of this  
615 section, in accordance with the provisions of section 11-4a of the general  
616 statutes, to the joint standing committee of the General Assembly  
617 having cognizance of matters relating to the judiciary and to the Juvenile  
618 Justice Planning and Oversight Committee established pursuant to  
619 section 46b-121n of the general statutes, as amended by this act.

620 (c) Not later than July 1, 2023, the Judicial Branch shall begin a review  
621 and update of the implementation plan developed pursuant to  
622 subsection (a) of this section and include provisions for the full and final  
623 transition of all children from the care and custody of the Department  
624 of Correction and into the care and custody of the Judicial Branch. Such

625 updated plan shall include a phased-in timetable for full  
626 implementation and estimated costs for each phase of such  
627 implementation.

628 (d) Not later than December 15, 2023, the Judicial Branch shall submit  
629 the implementation plan updated pursuant to subsection (c) of this  
630 section and any recommendations for legislation, funding or policy  
631 changes, in accordance with the provisions of section 11-4a of the  
632 general statutes, to the joint standing committee of the General  
633 Assembly having cognizance of matters relating to the judiciary and to  
634 the Juvenile Justice Planning and Oversight Committee established  
635 pursuant to section 46b-121n of the general statutes, as amended by this  
636 act.

637 Sec. 7. Section 54-1l of the general statutes is repealed and the  
638 following is substituted in lieu thereof (*Effective from passage*):

639 (a) This section and section 54-1m, as amended by this act, shall be  
640 known as the "Alvin W. Penn Racial Profiling Prohibition Act".

641 (b) For [the] purposes of this section, "racial profiling" means the  
642 detention, interdiction or other disparate treatment of an individual  
643 [solely] by a police officer on the basis, in whole or in part, of the  
644 perceived racial or ethnic status of such individual, except when such  
645 status is used in combination with other information when seeking to  
646 apprehend a specific suspect whose racial or ethnic status is part of the  
647 description of the suspect.

648 (c) No member of the Division of State Police within the Department  
649 of Emergency Services and Public Protection, a municipal police  
650 department or any other law enforcement agency shall engage in racial  
651 profiling. [The detention of an individual based on any noncriminal  
652 factor or combination of noncriminal factors is inconsistent with this  
653 policy.

654 (d) The race or ethnicity of an individual shall not be the sole factor

655 in determining the existence of probable cause to place in custody or  
656 arrest an individual or in constituting a reasonable and articulable  
657 suspicion that an offense has been or is being committed so as to justify  
658 the detention of an individual or the investigatory stop of a motor  
659 vehicle.]

660 Sec. 8. Section 54-1m of the general statutes is repealed and the  
661 following is substituted in lieu thereof (*Effective from passage*):

662 (a) Each municipal police department, the Department of Emergency  
663 Services and Public Protection and any other department with authority  
664 to conduct a traffic or pedestrian stop shall adopt a written policy that  
665 prohibits the stopping, detention, interdiction or search of any person  
666 when such action is [solely] motivated, in whole or in part, by  
667 considerations of race, color, ethnicity, age, gender or sexual orientation,  
668 [and such action would constitute a violation of the civil rights of the  
669 person] except when such consideration of race, color, ethnicity, age,  
670 gender or sexual orientation is used in combination with other  
671 identifying factors in an effort to find and apprehend a specific suspect  
672 whose race, color, ethnicity, age or gender is part of the description of  
673 the suspect. For the purposes of this section: (1) ["Department with  
674 authority to conduct a traffic stop"] "Department with authority to  
675 conduct a traffic or pedestrian stop" means any department that  
676 includes, or has oversight of, a police officer, and (2) "police officer"  
677 means a police officer within a municipal police department or the  
678 Department of Emergency Services and Public Protection or a person  
679 with the same authority pursuant to any provision of the general  
680 statutes to make arrests or issue citations for violation of any statute or  
681 regulation relating to motor vehicles and to enforce said statutes and  
682 regulations as policemen or state policemen have in their respective  
683 jurisdictions, including, but not limited to: (A) Special policemen or state  
684 policemen acting under the provisions of section 29-18, 17a-24 or 17a-  
685 465; (B) policemen acting under the provisions of section 29-19; (C) the  
686 Commissioner of Motor Vehicles, each deputy commissioner of the  
687 Department of Motor Vehicles and any salaried inspector of motor

688 vehicles designated by the commissioner pursuant to section 14-8; (D)  
689 State Capitol Police officers acting under the provisions of section 2-1f;  
690 (E) special police forces acting under the provisions of section 10a-156b;  
691 (F) state policemen acting under the provisions of section 27-107; and  
692 (G) fire police officers acting under the provisions of section 7-313a.

693 (b) Not later than [July 1, 2013] October 1, 2023, the Office of Policy  
694 and Management, in consultation with the Racial Profiling Prohibition  
695 Project Advisory Board established in section 54-1s, and the Criminal  
696 Justice Information System Governing Board shall, within available  
697 resources, develop and implement a standardized method:

698 (1) To be used by police officers of municipal police departments, the  
699 Department of Emergency Services and Public Protection and any other  
700 department with authority to conduct a traffic or pedestrian stop to  
701 record traffic or pedestrian stop information unless the police officer is  
702 required to leave the location of the stop prior to completing such form  
703 in order to respond to an emergency or due to some other exigent  
704 circumstance within the scope of such police officer's duties. The  
705 standardized method and any form developed and implemented  
706 pursuant to such standardized method shall allow the following  
707 information to be recorded: (A) The date and time of the stop; (B) the  
708 specific geographic location of the stop; (C) the unique identifying  
709 number of the police officer making the stop, or the name and title of  
710 the person making the stop if such person does not have a unique  
711 identifying number; (D) the race, [color,] ethnicity, age and gender of  
712 the operator of the motor vehicle [that] or pedestrian who is stopped,  
713 provided the identification of such characteristics shall be based on the  
714 observation and perception of the police officer responsible for  
715 reporting the stop; (E) the nature of the alleged traffic violation or other  
716 violation that caused the stop to be made and the statutory citation for  
717 such violation; (F) the disposition of the stop including whether a  
718 warning, citation or summons was issued, whether a search was  
719 conducted, the authority for any search conducted, the result of any  
720 search conducted, the statute or regulation citation for any warning,



721 citation or summons issued and whether a custodial arrest was made;  
722 and (G) any other information deemed appropriate. The method shall  
723 also provide for (i) notice to be given to the person stopped that if such  
724 person believes that such person has been stopped, detained or  
725 subjected to a search [solely because of] on the basis, in whole or in part,  
726 of such person's race, color, ethnicity, age, gender, sexual orientation,  
727 religion or membership in any other protected class, such person may  
728 file a complaint with the appropriate law enforcement agency unless the  
729 police officer was required to leave the location of the stop prior to  
730 providing such notice in order to respond to an emergency or due to  
731 some other exigent circumstance within the scope of such police officer's  
732 duties, and (ii) instructions to be given to the person stopped on how to  
733 file such complaint unless the police officer was required to leave the  
734 location of the stop prior to providing such instructions in order to  
735 respond to an emergency or due to some other exigent circumstance  
736 within the scope of such police officer's duties;

737 (2) To be used to report complaints pursuant to this section by any  
738 person who believes such person has been subjected to a [motor vehicle]  
739 traffic or pedestrian stop by a police officer [solely] on the basis, in whole  
740 or in part, of race, color, ethnicity, age, gender, sexual orientation or  
741 religion; and

742 (3) To be used by each municipal police department, the Department  
743 of Emergency Services and Public Protection and any other department  
744 with authority to conduct a traffic or pedestrian stop to report data to  
745 the Office of Policy and Management pursuant to subsection (h) of this  
746 section.

747 (c) Not later than [July 1, 2013] October 1, 2023, the Office of Policy  
748 and Management, in consultation with the Racial Profiling Prohibition  
749 Project Advisory Board, shall develop and implement guidelines to be  
750 used by each municipal police department, the Department of  
751 Emergency Services and Public Protection and any other department  
752 with authority to conduct a traffic or pedestrian stop in (1) training

753 police officers of such agency in the completion of the form developed  
754 and implemented pursuant to subdivision (1) of subsection (b) of this  
755 section, and (2) evaluating the information collected by police officers of  
756 such municipal police department, the Department of Emergency  
757 Services and Public Protection or other department with authority to  
758 conduct a traffic or pedestrian stop pursuant to subsection (e) of this  
759 section for use in the counseling and training of such police officers.

760 [(d) (1) Prior to the date a standardized method and form have been  
761 developed and implemented pursuant to subdivision (1) of subsection  
762 (b) of this section, each municipal police department, the Department of  
763 Emergency Services and Public Protection and any other department  
764 with authority to conduct a traffic stop shall, using the form developed  
765 and promulgated pursuant to the provisions of subsection (h) in effect  
766 on January 1, 2012, record and retain the following information: (A) The  
767 number of persons stopped for traffic violations; (B) characteristics of  
768 race, color, ethnicity, gender and age of such persons, provided the  
769 identification of such characteristics shall be based on the observation  
770 and perception of the police officer responsible for reporting the stop  
771 and the information shall not be required to be provided by the person  
772 stopped; (C) the nature of the alleged traffic violation that resulted in  
773 the stop; (D) whether a warning or citation was issued, an arrest made  
774 or a search conducted as a result of the stop; and (E) any additional  
775 information that such municipal police department, the Department of  
776 Emergency Services and Public Protection or any other department with  
777 authority to conduct a traffic stop, as the case may be, deems  
778 appropriate, provided such information shall not include any other  
779 identifying information about any person stopped for a traffic violation  
780 such as the person's operator's license number, name or address.]

781 [(2)] (d) On and after the date a standardized method and form have  
782 been developed and implemented pursuant to subdivision (1) of  
783 subsection (b) of this section, each municipal police department, the  
784 Department of Emergency Services and Public Protection and any other  
785 department with authority to conduct a traffic or pedestrian stop shall

786 record and retain the information required to be recorded pursuant to  
787 such standardized method and any additional information that such  
788 municipal police department or the Department of Emergency Services  
789 and Public Protection or other department with authority to conduct a  
790 traffic or pedestrian stop, as the case may be, deems appropriate,  
791 provided such information shall not include any other identifying  
792 information about any person stopped for a traffic violation such as the  
793 person's operator's license number, name or address.

794 (e) Each municipal police department, the Department of Emergency  
795 Services and Public Protection and any other department with authority  
796 to conduct a traffic or pedestrian stop shall provide to the Chief State's  
797 Attorney and [the Office of Policy and Management] the Institute for  
798 Municipal and Regional Policy at The University of Connecticut (1) a  
799 copy of each complaint received pursuant to this section, and (2) written  
800 notification of the review and disposition of such complaint. No copy of  
801 such complaint shall include any other identifying information about  
802 the complainant such as the complainant's operator's license number,  
803 name or address.

804 (f) Any police officer who in good faith records traffic or pedestrian  
805 stop information pursuant to the requirements of this section shall not  
806 be held civilly liable for the act of recording such information unless the  
807 officer's conduct was unreasonable or reckless.

808 (g) If a municipal police department, the Department of Emergency  
809 Services and Public Protection or any other department with authority  
810 to conduct a traffic or pedestrian stop fails to comply with the provisions  
811 of this section, [the Office of Policy and Management shall recommend  
812 and] the Secretary of the Office of Policy and Management may order  
813 an appropriate penalty in the form of the withholding of state funds  
814 from such municipal police department, the Department of Emergency  
815 Services and Public Protection or such other department with authority  
816 to conduct a traffic or pedestrian stop.

817 (h) [Not later than October 1, 2012, each municipal police department

818 and the Department of Emergency Services and Public Protection shall  
819 provide to the Office of Policy and Management a summary report of  
820 the information recorded pursuant to subsection (d) of this section.] On  
821 and after [October 1, 2013] January 1, 2025, each municipal police  
822 department, the Department of Emergency Services and Public  
823 Protection and any other department with authority to conduct a traffic  
824 or pedestrian stop shall provide to the [Office of Policy and  
825 Management] Institute for Municipal and Regional Policy at The  
826 University of Connecticut a monthly report of the information recorded  
827 pursuant to subsection (d) of this section for each traffic or pedestrian  
828 stop conducted, in a format prescribed by the [Office of Policy and  
829 Management] Institute for Municipal and Regional Policy at The  
830 University of Connecticut, in consultation with the Racial Profiling  
831 Project Advisory Board. On and after January 1, [2015] 2025, such  
832 information shall be submitted in electronic form, and shall be  
833 submitted in electronic form prior to said date to the extent practicable.

834 (i) The [Office of Policy and Management] Institute for Municipal and  
835 Regional Policy at The University of Connecticut shall, within available  
836 resources, review the prevalence and disposition of traffic and  
837 pedestrian stops and complaints reported pursuant to this section,  
838 including any traffic stops conducted on suspicion of a violation of  
839 section 14-227a, 14-227g, 14-227m or 14-227n. Not later than July 1,  
840 [2014] 2026, and annually thereafter, the office shall report the results of  
841 any such review, including any recommendations, to the Governor, the  
842 General Assembly and any other entity deemed appropriate. The [Office  
843 of Policy and Management] Institute for Municipal and Regional Policy  
844 at The University of Connecticut shall make such report publicly  
845 available on the [office's] institute's Internet web site.

846 (j) For purposes of this section, "pedestrian stop" means a detention  
847 of a pedestrian by a police officer, not associated with a call for service,  
848 when the detention results in a citation, an arrest, a frisking or search of  
849 the pedestrian's body or property, but does not include a detention for  
850 routine searches performed at a point of entry or exit from a controlled

851 area or an arrest or search pursuant to a warrant issued by a judge of the  
852 Superior Court.

853       Sec. 9. (*Effective July 1, 2023*) The sum of \_\_\_\_ dollars is appropriated  
854 to the Office of Policy and Management to fund organizations for the  
855 purpose of assisting members appointed to the Juvenile Justice Policy  
856 and Oversight Committee pursuant to subdivisions (23) and (24) of  
857 subsection (b) of section 46b-121n of the general statutes, as amended by  
858 this act, from the General Fund, for the fiscal years ending June 30, 2024,  
859 and June 30, 2025, through stipends for child care and transportation to  
860 such members during their time of and in association with their service  
861 on said committee.

862       Sec. 10. (*Effective July 1, 2023*) The sum of \_\_\_\_ dollars is appropriated  
863 to the Department of Correction from the General Fund, for the fiscal  
864 years ending June 30, 2024, and June 30, 2025, for the purpose of fully  
865 implementing the commissary implementation plan pursuant to section  
866 4 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2023</i>	46b-121s
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	46b-121n
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	PA 21-174, Sec. 13
Sec. 7	<i>from passage</i>	54-1l
Sec. 8	<i>from passage</i>	54-1m
Sec. 9	<i>July 1, 2023</i>	New section
Sec. 10	<i>July 1, 2023</i>	New section